Stipulated dismissal with prejudice

approved 5/8/2020. s/ James S. Gwin JAMES S. GWIN UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION (CLEVELAND)

EUGENE SCALIA,

Plaintiff,

SECRETARY OF LABOR, U. S.

DEPARTMENT OF LABOR,

CASE NO. 1:17CV01755

JUDGE JAMES S. GWIN

v.

WILMINGTON TRUST, N.A.; GRAPHITE SALES, INC. EMPLOYEE STOCK OWNERSHIP

PLAN,

Defendants.

STIPULATION OF DISMISSAL PURSUANT TO RULE 41(a)(1)(A)(ii) OF THE FEDERAL RULES OF CIVIL PROCEDURE

The parties have reached a settlement and memorialized it in a written agreement. The Plan was named as a defendant pursuant to Federal Rule of Civil Procedure 19(a) solely to assure that complete relief can be granted and is not a signatory to the written agreement. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties hereby stipulate and request that the abovecaptioned matter be dismissed, with prejudice, with each party to bear his/its own attorneys' fees and costs.

Respectfully submitted,

Dated: April 30, 2020

/s/Michael J. Prame

Michael J. Prame (pro hac vice)

Mark c. Nielsen (pro hac vice)

Andrew Salek-Raham (pro hac vice)

/s/Mary L. Bradley

MARY L. BRADLEY (0071952, OH)

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